

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RODGERICK BOOTH,

Plaintiff,

v.

Case No. 2:21-cv-10579

District Judge Sean F. Cox

Magistrate Judge Kimberly G. Altman

JOHN DOE and D. MOLINAR,

Defendants.

ORDER STRIKING PLAINTIFF'S SUPPLEMENTAL COMPLAINT
(ECF No. 21)

This is a civil rights case under 42 U.S.C. § 1983. Plaintiff Rodgerick Booth, proceeding *pro se*, filed a complaint naming as defendants John Doe (an unknown caseworker) and Captain D. Molinar. He alleges that defendants violated his rights under the Eighth Amendment and Due Process Clause of the Fourteenth Amendment. *See* ECF No. 1. Under 28 U.S.C. § 636(b)(1), all pretrial matters have been referred to the undersigned. (ECF No. 8). Before the Court is Booth's supplemental complaint, which was filed on December 13, 2021, in which Booth appears to be seeking to add parties and claims. (ECF No. 21).

"The filing of either an amended complaint or a supplemental complaint is not an automatic act." *Kinard v. Rubitshin*, No. 2:05-CV-74131-DT, 2006 WL

3302859, *1 (E.D. Mich. Sept. 15, 2006). Under Rule 15(d), a party seeking to file a supplemental complaint must do so by way of written motion. Fed. R. Civ. P. 15(d).

Here, Booth did not file a written motion seeking to file his supplemental complaint. He simply filed the supplemental complaint. This is improper. Accordingly, Booth's supplemental complaint is **STRICKEN** because it does not comply with the Federal Rules of Civil Procedure.

If, in the future, Booth would like to amend or supplement his complaint, he must file a motion and comply with Rule 15. For now, the original complaint, which was filed on March 5, 2021, controls.

SO ORDERED.

Dated: December 22, 2021
Detroit, Michigan

s/Kimberly G. Altman
KIMBERLY G. ALTMAN
United States Magistrate Judge

The parties' attention is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days from the date of receipt of a copy of this order within which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 22, 2021.

s/Carolyn Ciesla
CAROLYN CIESLA
Case Manager